

## REMARKS

This preliminary amendment is being concurrently filed with a reissue patent application. The reissue application is being filed in order to correct certain claims that contain subject matter relating to an invention that was sold more than one year prior to the filing date of May 29, 1996.

On December 21, 1999 Applicant discovered that the invention of Fig. 2 and claims 1-6 had been sold more than one year prior to the filing date. On that same date, Applicant filed in the Patent and Trademark Office a Disclaimer disclaiming claims 1-6 of the '523 patent. (A copy of the transmittal letter, executed Disclaimer and return postcard is enclosed). Thus, the subject matter of claims 1-6 has been disclaimed from the '523 patent.

Upon further investigation, Applicant discovered that the invention of Fig. 5 also had been sold more than one year prior to the filing date. The subject matter of claim 15 of the '523 patent covers both the inventions of Figs. 3 and 5. The reissue application is being filed in order to correct this unintentional error. The preliminary amendment includes amendments to claims 7, 8, 9 and 15 and the addition of new claims 18-21.

Independent claim 7 has been amended to order to replace the means-plus-function clause of "engaging means" with the language of "a securing mechanism extending between the upper surface of the top plate and the slot of the bottom plate". Support for this language is found in Fig. 3 and in the specification at column 5, lines 41-47. Claims 8 and 9, which depend on independent claim 7, have been amended in order to conform the language of these claims with the language of amended claim 7.

Independent claim 15 has been amended in order to remove the phrase "engaging means" which broadly covers the invention of Fig. 5 as well as Fig. 3. The means-plus-function clause "engaging means" has been replaced with the language of "a threaded member extending from the bottom plate through an opening in the top plate for engagement with a threaded nut". This amended claim now covers a plate fastener that has an opening in the top plate and a threaded member that extends through the top plate opening. Support for this language is found in Figs. 1 and 3 and in the specification at column 5, lines 41-47 and column 7, lines 44-58.

New independent claim 18 has been added in order to claim a plate fastener that allows for the attachment of the top and bottom plates from the top surface of the platform. Claim 18 includes a limitation not heretofore claimed in the '523 patent, a plate fastener that can be used to secure the grating to the platform from the top surface of the platform rather than having a

worker install the grating from below. Nor is this subject matter claimed in the corresponding continuation-in-part application that issued as U.S. Patent No. 5,911,664. Support for the subject matter of claim 18 is found in Figs. 3, 6, and 8 and in the specification at column 5, lines 49-67; column 6, lines 1-21; and column 7, lines 1-29 respectively.

Dependent claims 19-21 include further limitations to independent claim 18. Claim 19 recites the combination of the top mounted plate fasteners of claim 18 with the elongated L-shaped connectors for providing fastening support for the grating sheets so as to resist vertical and horizontal wave pressures when secured to the mounting members, and claims 20 and 21 recite specific types of corrosion resistant material.

Applicant asserts that amended claims 7, 8 and 15 and new claims 18-21 satisfy the requirement of 35 U.S.C. § 251. The amended and new claims are described in the original patent specification and are enabled by the original patent specification such that 35 U.S.C. § 112 first paragraph is satisfied. Nothing in the original patent specification indicates an intent not to claim the subject matter of the claims presented in this reissue application. This reissue application is also being filed within two years from the grant of the original application.

#### CONCLUSION

Applicant respectfully requests that this Preliminary Amendment be entered into the case prior to examination. In the event that minor claim amendments are necessary to meet formal requirements, Applicant invites the Examiner to telephone the undersigned so that appropriate amendments can be made.

Respectfully Submitted,

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**CERTIFICATE UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as <sup>First Class</sup> first class mail in an envelope addressed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231, on 1 - 17 -, 2000.

  
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